

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

JEFF KUSMIERSKI, Derivatively on Behalf of
Nominal Defendant, NEXTERA ENERGY,
INC.,

Plaintiff,

v.

JOHN W. KETCHUM, et al.,

Defendants,

-and-

NEXTERA ENERGY, INC.,

Nominal Defendant.

Case No. 24-cv-22533-JB

JOINT STATUS REPORT

Plaintiff Jeff Kusmierski (“Plaintiff”), and Defendants John W. Ketchum, Nicole S. Arnaboldi, Sherry S. Barrat, James L. Camaren, Kenneth B. Dunn, Naren Gursahaney, Kirk S. Hachigian, Amy B. Lane, David Porges, John A. Stall, Darryl L. Wilson, Rudy E. Schupp, John L. Skolds, Lynn M. Utter, James L. Robo, Eric Silagy, and David P. Reuter, (collectively, the “Individual Defendants”), and nominal defendant NextEra Energy, Inc. (“NextEra,” together with the Individual Defendants, “Defendants”) (together with Plaintiff, the “Parties”), respectfully provide this joint status report updating the Court on the status of *Jastram v. NextEra Energy, Inc., et al.*, No. 9:23-cv-80833-AMC, an earlier-filed securities class action case, which is currently pending before the Southern District of Florida (the “Securities Class Action”), as well as the Parties’ position on the current stay of proceedings in this case. *See* [ECF No. 16].

1. By Order dated July 26, 2024, the Court granted the Parties’ Joint Motion to Stay Proceedings, pending the conclusion of the Securities Class Action, which arises from the same

nucleus of core facts that are at issue in this case, and stayed this case. *See* [ECF No. 16]. In particular, the Court granted a stay through the “final dismissal of all claims in the Securities Action with prejudice.” *Id.*

2. Pursuant to the Court’s order granting the Joint Motion to Stay Proceedings, the Parties are required to “file a joint status report every thirty (30) days from the date of this Order advising the Court of the status of the Securities Class Action and indicating their position(s) on whether and why the stay should be lifted or remain in place.” The Parties previously filed joint status reports on August 26, 2024, September 25, 2024, October 25, 2024, November 25, 2024, December 23, 2024, January 22, 2025, February 21, 2025, March 24, 2025, April 23, 2025, May 23, 2025, June 23, 2025, July 23, 2025, August 26, 2025, September 25, 2025, October 27, 2025, and November 25, 2025. [ECF Nos. 17, 20, 21, 22, 23, 24, 28, 30, 31, 32, 33, 34, 35, 36, 38, & 41]. As such, the Parties now file the instant joint status report in compliance with the Court’s order granting the Joint Motion to Stay Proceedings. [ECF No. 16].

3. On September 27, 2024, the court in the Securities Class Action granted the defendants’ motion to dismiss the second amended complaint without leave to amend. On October 17, 2024, the plaintiffs appealed that court’s order to the U.S. Court of Appeals for the Eleventh Circuit. The appeal remains pending and so the dismissal of the Securities Class Action is not yet final.

4. On February 21, 2025, as permitted by the Joint Motion to Stay Proceedings (ECF 15 at 7), and pursuant to Fed. R. Civ. Proc. 15(a), Plaintiff filed a redacted copy of the Verified Stockholder Amended Derivative Complaint (“Amended Complaint”), along with an unopposed motion to seal the Amended Complaint. [ECF No. 25–ECF No. 27]. Defendants need not currently respond to the Amended Complaint, in accordance with the Court’s order granting the Joint Motion to Stay Proceedings [ECF No 16].

5. On November 26, 2025, the U.S. Court of Appeals for the Eleventh Circuit reversed the district court's order granting defendants' motion to dismiss. Defendants' deadline to file a petition for rehearing is January 7, 2026. The case has yet to be remanded to the district court.

6. Accordingly, the Parties believe that the current stay of the proceedings in this case remains appropriate.

Dated: December 24, 2025.

Respectfully submitted,

By: Jeff Ostrow
Jeff Ostrow
(Florida Bar No. 121452)
**KOPELOWITZ OSTROW FERGUSON
WEISELBERG GILBERT P.A.**
One W. Las Olas Blvd., Suite 500
Fort Lauderdale, FL 33301
Telephone: (954) 525-4100
ostrow@kolawyers.com

Local Counsel for Plaintiff

**SCOTT+SCOTT
ATTORNEYS AT LAW LLP**
Joseph A. Pettigrew
(pro hac vice admitted)
600 W. Broadway, Suite 3300
San Diego, CA 92101
Telephone: (619) 233-4565
Facsimile: (619) 233-0508
jpettigrew@scott-scott.com

**SCOTT+SCOTT
ATTORNEYS AT LAW LLP**
Jing-Li Yu
(pro hac vice admitted)
The Helmsley Building
230 Park Avenue, 24th Floor
New York, NY 10169
Telephone: (212) 223-6444
Facsimile: (212) 223-6334
jyu@scott-scott.com

**SCOTT+SCOTT
ATTORNEYS AT LAW LLP**

Geoffrey M. Johnson
(pro hac vice forthcoming)
12434 Cedar Road, Suite 12
Cleveland Heights, OH 44106
Telephone: (216) 229-6088
Facsimile: (216) 229-6092
gjohnson@scott-scott.com

Attorneys for Plaintiff

OF COUNSEL:

Audra J. Soloway
New York Bar No. 4113536
(pro hac vice forthcoming)
David P. Friedman
New York Bar No. 5387774
(pro hac vice forthcoming)
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Tel.: (212) 373-3000
Fax: (212) 757-3990
asoloway@paulweiss.com
dfriedman@paulweiss.com

Matthew D. Stachel
Delaware Bar No. 5419
(pro hac vice forthcoming)
1313 N. Market Street, Suite 806
Wilmington, DE 19801
Tel.: (302) 655-4410
Fax: (302) 655-4420
mstachel@paulweiss.com

By: Andy Hernández
Jordi C. Martínez-Cid
Florida Bar No. 100566
Andy Hernandez
Florida Bar No. 1018581
MARTINEZ-CID LAW
2525 Ponce de Leon Blvd., 7th Floor
Coral Gables, Florida 33134
Telephone: 305-998-3093
Email: jmartinez-cid@martinez-
cidlaw.com
Email: ahernandez@martinez-
cidlaw.com
Email: service@martinez-cidlaw.com

Daniel J. Kramer
New York Bar No. 1979392
(pro hac vice forthcoming)
Joshua Hill Jr.
New York Bar No. 4297826
(pro hac vice forthcoming)
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Tel.: (212) 373-3000
Fax: (212) 757-3990
dkramer@paulweiss.com
jhill@paulweiss.com

*Attorneys for Nominal Defendant and
Defendants Ketchum, Arnaboldi, Barrat,
Camaren, Dunn, Gursahaney, Hachigan, Lane,
Porges, Stall, Wilson, Schupp, Skolds, Robo,
Silagy, and Reuter*

OF COUNSEL:

Martin L. Seidel
(pro hac vice forthcoming)
HOLLAND & KNIGHT LLP
787 Seventh Avenue
New York, NY 10019
Tel.: (212) 513-3529
martin.seidel@hklaw.com

HOLLAND & KNIGHT LLP

/s/ Allison Kernisky

ALLISON KERNISKY
Florida Bar No. 41160
STEPHEN P. WARREN
Florida Bar No. 788171
701 Brickell Avenue, Suite 3300
Miami, FL 33131
Tel: (305) 374-8500
Fax: (305) 789-7799
Email: allison.kernisky@hklaw.com
Email: stephen.warren@hklaw.com

Counsel for Defendant Utter